

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO**

TO: Members of the Bar and Interested Parties

SUBJECT: Proposed Amendments to Official Bankruptcy Forms

FROM: Cameron Burke, Court Executive

At its September 2007 meeting, the Judicial Conference approved proposed amendments to Bankruptcy Official Forms 1, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19, 21, 23, and 24. The amendments to the existing Official Forms will be effective on December 1, 2007. Attorneys who utilize petition software for bankruptcy forms should contact their vendors to ensure the amended forms are updated prior to December 1, 2007. Copies of the amended forms are available on the Court's website at www.id.uscourts.gov. For complete committee notes relating to form changes, go to <http://www.uscourts.gov/bankform/index.html>. A summary of the form changes include:

Official Form 1, Voluntary Petition: The ranges for estimated number of creditors, estimated assets, and estimated liabilities would be amended to assist the courts in fulfilling the new statistical reporting requirements of 28 U.S.C. sec. 159. A notice is provided advising the attorney that the attorney's signature constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect. A checkbox is added for an individual debtor to indicate that the debtor is applying for a waiver of the filing fee. Exhibit D will enable individual debtors to certify that they have received budget and credit counseling prior to filing.

Official Form 3A, Application and Order to Pay Filing Fee in Installments: Amended to direct the debtor to state that, until the filing fee is paid in full, the debtor will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with the case.

Official Form 3B, Application for Waiver of Chapter 7 Filing Fee: This is a new form to be used by individual chapter 7 debtors when applying for a waiver of the filing fee. A corresponding standard order also is included.

Official Form 4, List of Creditors Holding 20 Largest Unsecured Claims: Amended to require only the initials of a minor and not the full name if a creditor is a minor.

Official Form 5, Involuntary Petition: The form has been amended to delete statistical information about the debtor that no longer is required, and to substitute check boxes similar to those on the voluntary petition form. The petitioning creditors must now provide, to the extent known to them, all other names used by the debtor during the 8 years before filing of the petition.

Official Form 6, Schedules, including Schedules A through J: Amended to require only the initials of a minor and not the full name. Schedules D, E, and F have been designed for the listing of each claim only once. Schedules I and J would include a statement advising debtors that the income and expense amounts on the schedules may differ from the income and expense amounts listed on the means test forms.

Official Form 7, Statement of Financial Affairs: Amended to require only the initials of a minor and not the full name. Read the committee note for other changes.

Official Forms 9A through 9I, Notice of Commencement of Case, Meeting of Creditors and Deadlines: These forms are amended to include only the last four digits of any individual taxpayer-identification number in accordance with Rule 9037. In addition to stylistic changes, the forms are revised to clarify the references to creditors with foreign addresses. Forms 9A and 9C are amended to include a box in which the clerk can notify creditors in a chapter 7 case filed by an individual with primarily consumer debts if the presumption of abuse has arisen under § 7-7(b) of the Code. Forms 9E and 9E (Alt.) are amended to state that, unless the court orders otherwise, an individual chapter 11 debtor's discharge is not effective until completion of all payments under the plan. Forms 9F and 9I are amended to include a deadline to file a complaint to determine the dischargeability of certain debts.

Official Form 10, Proof of Claim: Amended to provide more accurate addresses for transmittal of payments and notices, and indicate that a particular proof of claim has been replaced, and to update the Instructions and Definitions portions of the form. Creditor now has a space in which to provide a separate payment address if different from the creditor's address for receiving notices in the case. New paragraph 3a gives the creditor a place to notify the trustee and the court of any change in the creditor's name, or that the claim has been transferred or to provide information to clarify a difference between the proof of claim and the creditor's claim as scheduled by the debtor.

Official Form 16A, Caption Amended to require that the title of the case include all names used by the debtor within the last eight years in conformity with § 727(a)(8).

Official Form 18, Discharge of Debtor: Amended to require the title of the case to include all names used by the debtor within eight years prior to filing of the petition, and to provide only the last four digits of any individual debtor's taxpayer-identification number..

Official Form 19, Declaration and Signature of Non-Attorney Bankruptcy Petition

Preparer: This form is new. It is derived from form 19B and replaces forms 19A and 19B (which forms are abrogated). The notice states that the bankruptcy petition preparer is not an attorney and must not give legal advice. The notice includes examples of advice a petition preparer may not give. A new form 19 must be completed and accompany subsequent filings.

Official Form 21, Statement of Social Security Number: This form is amended to direct a taxpayer who does not have a Social Security number to provide a taxpayer identification number on the form.

Official Form 23, Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management: Amended to remind the debtor that the form should not be used to file a certification of pre-petition credit counseling. This form is amended to state the deadline for filing the certification in a chapter 11 in which §1141(d)(3) applies.

Official Form 24, Certification to Court of Appeals by All Parties: Amended to include a signature line for the appellee and the appellee's attorney.